

Senate Bill No. 1138

CHAPTER 465

An act to amend Sections 37701, 37702, 37703, 37704, 37706, and 37707 of, to add Sections 37710 and 37711 to, and to add and repeal Sections 37712 and 37713 of, the Education Code, relating to school districts.

[Approved by Governor September 10, 2004. Filed
with Secretary of State September 10, 2004.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1138, Hollingsworth. School districts: four-day school week.

Existing law authorizes the Pacific Unified School District, the Leggett Valley Unified School District, and the Reeds Creek Elementary School District, to operate one or more schools in their districts on a 4-day school week, so long as the school district complies with specified requirements, including instructional time requirements. Existing law requires the Superintendent of Public Instruction to reduce the base revenue limit per unit of average daily attendance of a school district that operates one or more schools in its district on a 4-day school week and provides less than 180 days of instruction, as specified.

This bill would extend that authorization and those requirements to the Borrego Springs Unified School District, the Julian Union Elementary School District, the Julian Union High School District, and the Warner Unified School District. The bill would also extend that authorization and the requirements, until July 1, 2006, to the Jamul-Dulzura Union Elementary School District and the Marysville Joint Unified School District. The bill would revoke the authority of a school added by the bill to operate a 4-day school week if a school fails to meet its growth target on the Academic Performance Index.

This bill would declare that, due to the special circumstances applicable to the Borrego Springs Unified School District, the Julian Union Elementary School District, the Julian Union High School District, the Warner Unified School District, the Jamul-Dulzura Union Elementary School District, and the Marysville Joint Unified School District, a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution, and the enactment of a special statute is therefore necessary.

The people of the State of California do enact as follows:

SECTION 1. Section 37701 of the Education Code is amended to read:

37701. The school district shall provide on an annual basis, while operating a school on a four-day school week, not less than 560 hours of instructional time for kindergarten, not less than 700 hours of instructional time for grades 1, 2, and 3, and not less than 845 hours of instructional time for grades 4 to 12, inclusive. The school district may exceed these minimum instructional times except that no pupil in a kindergarten shall be kept in school more than four hours in any day, exclusive of recesses. The school day may not exceed eight hours, nor may the school week be less than four days.

SEC. 2. Section 37702 of the Education Code is amended to read:

37702. Prior to operating a school on a four-day school week, the school district shall secure the approval of the governing board of the district and of any collective bargaining agents representing employees of the school district.

SEC. 3. Section 37703 of the Education Code is amended to read:

37703. A school site council in the school district shall be involved in the planning and evaluation of a four-day school week.

SEC. 4. Section 37704 of the Education Code is amended to read:

37704. The school district shall consider the impact of the longer schoolday on primary grade pupils, and the impact of the four-day school week on working parents who may be required to find child care services for their schoolage children due to the shortened school week.

SEC. 5. Section 37706 of the Education Code is amended to read:

37706. If a school district elects to operate a school on a four-day school week as authorized by this chapter, the school district shall be entitled to receive the same support, but not more support, from the State School Fund due to the average daily attendance at the schools within the school district that it would have received if the school district had been operating under the provisions of law relating to the 175-day school year.

SEC. 6. Section 37707 of the Education Code is amended to read:

37707. If the school district elects to operate a school on a four-day school week pursuant to this chapter, the reduced number of schooldays in the school district shall not affect the rights of certificated or classified employees of the school district with regard to classification, tenure, or notice, and shall not otherwise affect the contract rights of the employees.

SEC. 7. Section 37710 is added to the Education Code, to read:



37710. If any school operating a four-day school week pursuant to Section 37711, 37712, or 37713 fails to achieve its Academic Performance Index growth target pursuant to Section 52052, the authority of that school to operate a four-day school week shall be permanently revoked commencing with the beginning of the following school year.

SEC. 8. Section 37711 is added to the Education Code, to read:

37711. Beginning in the 2004–05 fiscal year, the following school districts in San Diego County may operate one or more schools in their respective districts on a four-day school week if the districts comply with the instructional time requirements specified in Section 37701 and the other requirements of this chapter:

- (a) Borrego Springs Unified School District.
- (b) Julian Union Elementary School District.
- (c) Julian Union High School District.
- (d) Warner Unified School District.

SEC. 9. Section 37712 is added to the Education Code, to read:

37712. (a) Beginning in the 2004–05 fiscal year, the Jamul-Dulzura Union Elementary School District may operate one or more schools in the school district on a four-day school week if the district complies with the instructional time requirements specified in Section 37701 and the other requirements of this chapter.

(b) This section shall become inoperative on July 1, 2006, and as of January 1, 2007, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2007, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 10. Section 37713 is added to the Education Code, to read:

37713. (a) Beginning in the 2004–05 fiscal year, the Marysville Joint Unified School District may operate a high school and one other school in the school district on a four-day school week if the district complies with the instructional time requirements specified in Section 37701 and the other requirements of this chapter.

(b) This section shall become inoperative on July 1, 2006, and as of January 1, 2007, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2007, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 11. The Legislature finds and declares that a special law is necessary and that a general law cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique circumstances surrounding the Borrego Springs Unified School District, the Julian Union Elementary School District, the Julian Union High School District, the Warner Unified School District, the Jamul-Dulzura Union Elementary School District, and the

Marysville Joint Unified School District. The facts constituting the special circumstances are the significant transportation costs incurred by those school districts and the small size of those school districts.

